

## Employer and Employee

Do you want to gain the respect and confidence of your employer?

A Savings Account with us will help you to do so.

It is evidence of your ability to take care of your own money, and therefore betters your chances with your employer.

**Bank of Hawaii, Ltd.**  
Capital-Surplus, \$1,200,000



The "Toric" lens is ground with a deep, inner curve, which permits of the lens being placed much closer to the eye, allowing a wider range of vision with no perceptible edges or annoying reflections. The "Toric" lens is for particular people who want the best and are satisfied with nothing less. It costs a little more, but it is worth it. We fit the "Toric" in eye-glass or spectacle.

Factory on the premises.

**A. N. Sanford,**

Boston Building - Fort Street  
Over May & Co.

## Varnishes

We have just received a car-load shipment of the well-known

### Standard Varnishes

which comprises a full line for both interior and exterior architectural finish.

Consult us about the varnish you will use.

**Lewers & Cooke,**  
Limited  
177 S. KING ST.

**—The—  
PALM CAFE**  
Is now located in its new building, 116-118 HOTEL STREET. General Catering of the Highest Class

Newly Opened  
**The German Nursery**  
(M. Tefflossy)  
Flower Arrangements, Ferns, Palms and Cut Flowers  
PALM BUILDING, Tel. 4165  
Nursery, 2222 Nuuanu, Tel. 1656

**ANTON STANGE & BROTHER**  
German Confectionery and Fancy Bakery  
All work done under the personal supervision of our expert  
1183 Alakea Street, nr. Beretania  
Phone 3793

**Cafe Opening**  
P. John Hee will open the COSMOPOLITAN CAFE at Pauahi street, near Fort, on September 20. The cafe will be open day and night.

**Dr. T. MITAMURA**  
Office: 1412 Nuuanu St., cor. Vineyard  
Telephone 1540  
Office Hours: 9 to 12 a. m., 7 to 8 p. m. Sundays by appointment.  
Residence: 50 N. Vineyard Street, near office. Telephone 2613, P. O. Box 442.

Everything in the printing line at Star-Bulletin, Alakea street; branch, Merchant Street.

## CASTORIA

For Infants and Children.  
The Kind You Have Always Bought

Bears the Signature of *Chas. H. Fletcher*

## HOTEL STEWART SAN FRANCISCO

Geary Street, above Union Square  
European Plan \$1.50 a day up  
American Plan \$3.00 a day up  
New steel and brick structure. Every comfort and convenience. A high class hotel at very moderate rates. In the center of theatre and retail district. On car lines transferring to all parts of city. Electric omnibus meets all trains and steamers. Hotel Stewart recognized as Hawaiian Island Headquarters. Cable Address "Trawets" ABC code. J. H. Love, Honolulu representative.

## Hotel Potter, Santa Barbara

## HOTEL TURPIN SAN FRANCISCO 17 Powell Street at Market

Reinforced Concrete Building. 226 Rooms. 21 first class eating houses within 1 block. Rates \$1.50 to \$4.00 per day. F. L. & A. W. Turpin, Props. & Mgrs.

## HOTEL WAIMEA

WAIMEA, KAUAI  
Newly Renovated—Best Hotel on Kauai  
Tourist Trade Solicited  
GOOD MEALS  
Rates Reasonable  
C. W. SPITZ - Proprietor

**Pleasanton Hotel**  
COMFORTABLE - REFINED  
MODERATE PRICES  
Corner Wilder and Punahou  
Phone 3427  
Henri Jules, Pinchou, Manager

**The Colonial**  
Has prepared for the tourist business by the addition of two more bungalows beautifully furnished. They are now ready for occupancy.

**MISS JOHNSON,**  
Emma, Above Vineyard

YOU CAN NOT DO BETTER  
FOR YOUR HEALTH AND COMFORT THAN TRY  
**HALEIWA**  
Trains to the door

ME FOR A SWIM AT THE  
**Waikiki Inn**  
NEXT SUNDAY  
Says the Wise Bather

**CURIOS**  
Largest Pacific Souvenir Store in the World  
HAWAII & SOUTH SEAS CURIO CO.  
Young Building

**Townsend Undertaking Co.,**  
Limited  
Night and Day Phone: 1325  
71 BERETANIA

**MEMBERSHIP FEES**  
—In—  
**THE HARRISON MUTUAL BURIAL ASSOCIATION**  
From 1 to 10 years old...\$2.50  
From 10 to 20 years old... 3.50  
From 20 to 30 years old... 4.50  
From 30 to 40 years old... 5.50  
From 40 to 50 years old... 6.50  
From 50 to 60 years old... 7.50  
J. D. Marques, Pres.  
J. H. Townsend, Secy.

**P. H. BURNETTE**  
Commissioner of Deeds for California and New York; NOTARY PUB. LIC; Grants Marriage Licenses. Draws Mortgages, Deeds, Bills of Sale, Leases, Wills, etc. Attorney for the District Courts, 70 MERCHANT ST., HONOLULU, Phone 1846.

## FISHER ASKS WHY GOVERNOR HANDLES WATER LICENSES

Wants to Know if Land Board Could Be Given Power of Control

(Note: Below is published part of Governor Frear's statement at the Fisher hearing yesterday, which, on account of space limitations, could not be printed in yesterday's issue. It contains much of interest on Hawaiian homesteading conditions. The statement as it begins below deals with the publicity given homesteading operations here, and Secretary Fisher is asking about the administration's methods in dealing with homestead applicants.)

Governor: Well I might explain that right here, I gave general directions in March, 1911 that when lands were cut up for homestead purposes the first tier or two along the government road should be made small and sold as town lots, instead of as homestead lots. The Land Commissioner, on April 1, 1911, wrote to that effect to the Territorial Surveyor then the Surveyor sent copies of that letter to all of his field parties, with directions to carry out the instructions. A party was sent in April to survey the lands at Hakalau. In this particular case, he did not subdivide the lands, and I am informed by the Surveyor that the reason for that was that the applicants for those lands, (there was no written application) were the applicants for the land above. So the Land Commissioner and the Surveyor thought they would not survey them immediately. Then nothing further was done until a written application was filed in February of this year. That was immediately replied to and correspondence was entered into both by the Land Commissioner and myself as to the size of lots into which the reservations were to be subdivided. It was decided that the lots should have a frontage of 75 feet and a depth of 400 feet. All these directions were given to the Surveyor to sub-divide the lands. These people were informed all along to that effect.

Fisher: The principal applicants were informed?  
Governor: Yes.  
Wants Publicity.  
Fisher: You issue a general order that that order has gone to the Officers and not gone to the public, except as they find it out incidentally. You make a reservation like this on the government road. Such particular individuals who are active in the matter make inquiries, or applications, and are informed of the facts, but the rest of the public does not know anything about it. I think it would be better to post a public notice somewhere where everybody could see it, and see just what is being done.

Governor: We do advertise it.  
Fisher: I have not seen any evidence of it.

Governor: The point is this. We take up a piece of land and decide to do something with it. We give it as news to the Press. Then when the lots are surveyed, a notice of 60 days is put in the papers notifying people that it will be opened for homesteading and sold at public auction on such and such a date.

Fisher: That advertisement would not be made until after the survey were made; not until two or three people tell you what they want. You have no evidence as to whose real views you are getting as to the size of lots, etc. This seems to me a very informal sort of way. Is there not a public building or post office, or something where a notice could be published where everybody could see that this land had been reserved for residence purposes and applications therefor would be received?

Governor: Yes.  
Fisher: I get the impression that there is a little feeling on the part of the public that they are not quite taken into the confidence of the Executive and they should be—that they don't quite get a fair show. There may not be any justification for it, in fact, that feeling is quite natural, however, unless there is a greater degree of publicity given to what is being done by the Executive. What is your impression, is there some such feeling?

Governor: I think there is some such feeling.  
Ashford: That refers to the reservations at Hakalau, does it not?  
Governor: Yes.  
Ashford: These things were not done until you had received a pamphlet containing the specific charges of the Delegate, were they?

Governor: You mean with regard to the reservation at Hakalau?  
Ashford: Yes.  
Hakalau Reservation.

Governor: The reservation was made with regard to cutting up the tract immediately, which was some 6, 8 or 9 months before the Complaint was filed; and then the sub-division did not occur by reason of the complaint, but by reason of the application for these lands. The applications for these lands, might have been due to the complaint.

Ashford: You received the complaint and then subdivided them; is that not the way?

Governor: The application came in about that time. That is what started the sub-division of the lands. The complaint had nothing to do with it.

Ashford: Now, with regard to these delays in sending notice to applicants, etc., can you account for the delay of six months and two days from the date when the applications from the Kohala would be homesteaders was received until the Commissioner of Public Lands wrote for information relative to the homesteading of the Kohala?  
Fisher: It was not six months, only a little over four months.

Ashford: From February 24th to

July 26th is six months and 2 days, as I reckon it.

Governor: It was only to July 6th, not 26th.

Fisher: I guess he has got you, Mr. Ashford.

Ashford: I thought you said the 26th. Well, can you account for that delay? Mr. A. V. Gear informed me yesterday that he has been waiting almost three years for the assignment of the homestead situated at Waianae, which he purchased at auction. Can you explain that?

Governor: I can't unless this is the case, as I am inclined to think it is, which, after the homestead was granted, a dispute arose as to the title of the land. L. L. McCandless claimed title to the whole or a portion of the land, and that suit I think has been settled only recently.

Lindsay: It was taken to the Torrens Court and the Government won. Mr. McCandless then appealed to a jury and that appeal has been lying for a long while. It has just been settled a little over two weeks ago.

Ashford: Why has it taken so long to get a decision from the Torrens Court? Can you tell?

Lindsay: Yes, I can. It was one of those cases filed, upon which action has been delayed. Continuances were asked from time to time by the Territory and many continuances have been asked by the Counsel on the other side. The case was tried before Judge Robinson's Court and as he has been very busy we could never get him to go down and look at the land. Judge Whitney finally took it up and we got him to go down on the land, and recently got a decision.

Fisher: I don't think Governor Frear knew anything about the action. It was simply one of those cases pending in court, and had nothing to do with the Land Department.

Fisher: You may continue, Governor.

Governor: I think those are all of the new matter which I recollect.

**Judge Cooper Involved.**  
Fisher: Well, I think there was one question with the Thompson Settlement Association question. Were you able to get the letter from Senator Hewitt in connection with this matter?

Governor: I asked Judge Cooper for it, and he could not find it.

Ashford: Since returning from Hawaii I have had a letter from a member of that association to the effect that Senator Hewitt is still extremely doubtful as to his having written such a document. Unless the document is produced, we can't prove that Senator Hewitt ever wrote such a document; and we understood that the document would be produced when we got here.

Fisher: I think it is very clear. The Governor states that Judge Cooper cannot find the document, but expects to find it. I think you will concede that this is probably so, in view of Mr. Hewitt's uncertainty of recollection. The document was not manufactured; that would be a very clever proceeding in that line. Senator Hewitt recalls a general transaction of that kind. I am under the impression that some such communication as that was signed by Senator Hewitt. He may have acted entirely on his own responsibility, although I confess that it seems to me much more important that the minutes from which the reports have been made have been burned, than the fact that Mr. Cooper can't find the document. This is an event which occurred at the time. The communication appears to have been sent by Senator Hewitt to Judge Cooper, and at that time it is purported to be an extract of the minutes of a meeting.

Ashford: I think not, Mr. Secretary. If you will look on page 80 the heading is that of an agreement arrived at at a meeting of the Thompson Settlement Association.  
Fisher: Yes. Now under those circumstances, the minutes seem to have been lost or burned. However, I think it would help a good deal, if Judge Cooper could find the document.

Ashford: We were given to understand by him that that was in the possession of Mr. Ivers. It was sent to Mr. Cooper and finally found its way into the hands of Mr. Ivers.

Governor: Judge Cooper has it.

**Asks for Document.**

Fisher: It is quite important that we see the document if it can be found.

Governor: You wished yesterday for a statement in regard to the cane lands which have been actually homesteaded. I have a list here, showing that ten tracts of cane land have been homesteaded during my administration, also giving the number of lots in each tract, number of lots taken in each tract, and the number of lots upon which homesteads have actually begun, as near as we can find out, before the complaint was filed. There may have been others, but these are the only ones we can state definitely. Most of them have taken lots and have received agreements.

Fisher: We want to cover as much ground in the available time as possible, so go right on. It is not necessary to repeat anything we have covered during our trip to the other islands, except so far as may bear on the subjects under discussion at present.

Governor: Well, taking up the matters covered in the complaint, first is the Kaunamano Homesteads. Most of the trouble in regard to these occurred before I took office. After I took office the contract between the homesteaders and the plantation was presented for the approval of the Governor. The Government declined to approve this, it being contrary to the spirit of the homestead laws. This entire agreement was entered into without the knowledge of the Government. There is not much to be said on this subject, excepting that when the time came when applications were made for the patents some years later, the government, after investigating the matter, came to the conclusion that the homesteaders were not entitled to their patents, as they had not complied with the provisions of the homestead law. It was decided then to have one or two test cases, largely as I have stated both in print and orally on previous occasions for the effect these cases might have. Amendments to the Land Laws had been passed, and we wished to start out on a new era. It has been a widely prevailing sentiment that the homestead lands were merely artificial arrangements for giving out lands in small tracts, and that it was justifiable for people to take these tracts whether they intended to make their permanent homes on them, or whether or not they intended to make a living on them. It seemed very desirable that that sentiment should be eradicated as far as possible. The test cases were brought on the other side of the island. The Government, I think, was particularly lenient, if anything, with the Kaunamano homesteaders. In the first place, it did not put them to the expense of litigation, and in the second place, it did not undertake to enforce forfeitures. It left the way open to them a chance if it was found that they were not entitled to their patents to make good. And as brought out by the testimony of Mr. Irwin in Hilo, it gave those who wished to make good an opportunity to do so, and those who did not wish to make good, to transfer their lands to others, and so recover their money. There is not much more to be said on that.

Fisher: That covers the situation as well as it can be.

Ashford: I am of the opinion that the Governor has covered the situation. I would refer at this time to the statement made by Dr. Thompson at Hilo. He felt that the Governor should consult them in regard to their real intentions, etc. Governor Frear has described them as "fake homesteaders." I would like to ask the Governor if he did consult them or whether he got the idea of their "faking" from other parties there?

Governor: I relied on documentary evidence emanating from them on statements which were reported to me as having been made by them. Dr. Clark As Authority.

Fisher: Who reported it?  
Governor: Well, in one case Dr. Victor S. Clark told me what Dr. Thompson had told him.

Fisher: Well, as a result of your observation and conversation did you—

Governor: The result of my observations and conversations is about this: that all or most of the homesteaders took these lands originally—very much as others had taken lands—in taking them on account of this widely prevailing sentiment that I have spoken of, but it was not for the purpose of becoming genuine homesteaders as I regard the matter. I think that some of them have since changed their views and have determined to become genuine homesteaders. Whether all of them have or not I do not know—it is pretty difficult to look inside of a person's mind—but the fact is that in two respects, at least, I believe that all or nearly all of them have failed to comply with the homestead laws.

Fisher: Well, I think it is violating no confidence to say that it is going to be difficult to show compliance with the law under the decision of the Supreme Court. But when talking that over on the ground, I understood that it was your view that from what ever cause these homesteaders or some of them had so far changed their attitude and that you felt that they should be given an opportunity to make good if they want to, that you were willing to give them credit, in making good, for anything that they got done; that is to say, as to the cultivation or residence. If they could show that bona fide residence of the kind that the Supreme Court's decision would regard as permissible, that you would be willing to credit that on their effort to make good now?

Governor: Yes.  
Fisher: In other words, you are of the opinion that the blame is not altogether on the homesteaders.

**Blame on Both Sides.**  
Governor: I think there is a good deal of blame on both sides.  
Ashford: Might I ask at this point, Governor, were you aware at the time of the last inspection there that the manager of the plantation had written a letter to the executive committee of the settlement association making a definite offer for the purchase of their land and stating that if they would sell upon those terms, he would have the plantation agents, Messrs. Brewer & Company, use their influence with the government to procure the title of the homesteaders to their lands; and further that the homesteaders had immediately rejected that offer, and stated that they took the lands for the purpose of homesteading and making their homes there, and saw no reason for changing their minds. Were you aware of that correspondence?

Governor: When I was there last?

Ashford: Yes.

Governor: I think—probably I was.

Fisher: Well, Mr. Ashford, in view of the history given us by the homesteaders themselves as to the assurances of Judge Cooper and his utter inability to make good, it should not surprise you that you should not be surprised at the comments of the plantation.

Governor: \* \* \* The Land Commissioner also called Mr. Wolters, the manager, to account for it, and also the directors in San Francisco.

Fisher: Well, Governor?

Governor: Next comes the Aloha Aina Settlement Association.

Fisher: That has been pretty thoroughly gone into.

Ashford: Nothing I care to go into further.

Olson: Mr. Ashford expressed the

(Continued on page fourteen.)

## ARE YOU DRIFTING

into the crowd of weak, weary, depressed; or are you filled with vitality and energy?

Health is the foundation of success.

Nerves, Brain, and Body should be staunch—dependable.

## Scott's Emulsion

the best of food-tonics, is the firm footing for health.

ALL DRUGGISTS

### LEGAL NOTICE.

IN THE CIRCUIT COURT, FIRST Circuit, Territory of Hawaii.—In Probate, at Chambers, No. 4474. In the Matter of the Estate of William McCouff, Deceased. Order of Notice of Petition for Allowance of Accounts, Determining Trust and Distributing the Estate. On reading and filing the Petition and accounts of Hawaiian Trust Company, Limited, Executor under the Will of the Estate of William McCouff, late of Honolulu, Territory of Hawaii, Deceased, wherein petitioner asks to be allowed \$469.35 and charged with \$551.32, and asks that the same be examined and approved, and that a final order be made of Distribution of the remaining property to the persons thereto entitled and discharging petitioner and sureties from all further responsibility herein: It is Ordered, that Friday, the 25th day of October, A. D. 1912, at 9 o'clock a. m., before the Judge presiding at Chambers of said Court at his courtroom in the old Y. M. C. A. building, in Honolulu, County of Honolulu, be and the same hereby is appointed the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted. By the Court: JOHN MARCALLINO, Clerk, First Circuit Court. Dated the 18th day of September, 1912.

5344—Sept 18, 25; Oct 2, 3

### CORPORATION NOTICES.

#### ANNUAL MEETING.

Pearl Harbor Traction Company, Limited.  
The annual meeting of the Pearl Harbor Traction Company, Limited, will be held at the office of the Honolulu Rapid Transit and Land Company, 609 Stangenwald building, Honolulu, on Wednesday, October 9, 1912, at 11 a. m.

ALFRED L. CASTLE,  
Secretary, Pearl Harbor Traction Company, Ltd.  
5355—Oct 1, 2, 8

### NOTICE.

Japanese Benevolent Society.  
At the general meeting held on September 28, 1912, the following officers were elected for the ensuing year:  
Rev. G. Motokawa, President  
Y. Ishii, Vice President  
T. Katsunuma, Secretary  
Y. Mikami, Secretary  
G. Nakamura, Treasurer  
M. Komeya, Auditor  
Y. MIKAMI, Secretary.  
5355-31

## THE JUPITER PENCIL SHARPENER

It's the best sharpener ever made and you will accept this statement unreservedly when you have seen it working.

We have the  
**Wales Adding Machine**  
in both the hand and electric equipment.  
We would like to demonstrate these machines for you.

**Hawaiian News Co.**  
Limited  
Alexander Young Building

## AUDIT COMPANY OF HAWAII

924 BETHEL STREET

P. O. Box 646 Telephone 2038

Conducts all classes of Audits and Investigations, and furnishes Reports on all kinds of financial work

Suggestions given for simplifying or systematizing office work. All business confidential.

BY AUTHORITY  
REGULATIONS GOVERNING THE USE OF THE 10" FUEL OIL PIPE LINE OWNED BY THE TERRITORY OF HAWAII AND LOCATED ON THE HONOLULU WATERFRONT AND WHARVES.

Adopted by the Board of Harbor Commissioners, September 11, 1912.  
Control of Pipe Line.

(1) The pipe line shall be under the control of the Board of Harbor Commissioners, whose employees shall work in conjunction with the firm, corporations, or individuals using the pipe line; so that every facility will be secured for the prompt and accurate despatch of the delivery of oil or from ships or other users of the oil.

Charges for Use of Line.

(2) For the first six months of its use, the charge shall be at the rate of 0.1% per barrel of oil pumped through the line either from ships or tanks, or from tanks to ships, or other users of fuel oil. After this period the charge for the use of the line shall be based on cover—

1st. Cost of operation, maintenance and repair.

2nd. Interest on investment and depreciation.

3rd. Refunding annually an amount equal to 1-20 of bonded debt for line, said charge to be determined by the Board of Harbor Commissioners.

Permits to Use Line.

(3) Permits to use the pipe line will be granted only to those firms, corporations or individuals who are in a position to deliver oil to or from vessels berthed at Government wharves at a minimum volume of 1000 barrels per hour.

Delivery of Oil To and From Vessels.  
(4) To regulate delivery of fuel oil to ships berthed at Government wharves, no barge or oil tank, vessel or other container, will be permitted to discharge oil to, or receive oil from any vessel berthed at a Government wharf in the Harbor of Honolulu during such time as the 10" Fuel Oil Pipe Line is in condition to properly receive oil from or deliver oil to ships berthed at wharves owned or controlled by the Territory of Hawaii.

MARSTON CAMPBELL,  
Chairman, Board of Harbor Commissioners.

EMIL A. BERNDT,  
Secretary, Board of Harbor Commissioners.

5339-1

REGULATIONS GOVERNING THE DISCHARGE OF NITRATE OF SODA, SULPHUR AND OTHER SIMILAR MATERIALS UPON THE WHARVES OF THE TERRITORY OF HAWAII, AS AMENDED AUGUST 28, 1912.

21. No nitrate of soda, sulphur, or other similar materials shall be stored, awaiting transportation, upon any wharf within the Territory of Hawaii, unless the same be packed in strong and non-leaky containers. All nitrate of soda, sulphur or other similar materials so stored shall, at the expense of the consignee, be under the continuous care of a competent watchman until removed.

Masters, owners and consignees of nitrate of soda cargoes, sulphur or other similar materials must keep the wharf at all times swept clean and free of any loose nitrate of soda, sulphur or other similar materials during the entire process of unloading and removing the cargo. No loose nitrate of soda, sulphur or other similar materials will be permitted to be landed in all cases nitrate of soda, sulphur or other similar materials must be landed from ships in sound containers. During the process of discharging or removing said cargoes, it shall be obligatory on the part of the ship or agents of said vessel, to provide water containers of not less than fifty (50) gallons each at intervals of not less than fifty (50) feet apart with suitable buckets placed alongside each container; said containers to be filled with a solution of water and nitrate of soda to be used in the case of fire.

Any person or persons who shall violate the above Regulation shall be guilty of a misdemeanor and shall be subject to the penalties as provided by Section 9, Act 163 of the Session Laws of 1911.

MARSTON CAMPBELL,  
Chairman, Board of Harbor Commissioners.

EMIL A. BERNDT,  
Secretary, Board of Harbor Commissioners.

Adopted by the Board of Harbor Commissioners on August 28, 1912.

5327-301

### SEALED TENDERS.

Sealed Tenders will be received by the Superintendent of Public Works until 12 m. of Thursday, October 3, 1912, for constructing Government main road through Kuliouou Beach lots and Kuliouou homestead road, Honolulu.

Specifications and blank forms of proposal are on file in the office of the Superintendent of Public Works, Capitol Building.

The Superintendent of Public Works reserves the right to reject any or all tenders.

MARSTON CAMPBELL,  
Superintendent of Public